

Nalco Docket No. 7502 CO2

REMARKS

Pursuant to a conversation with Examiner Metzmaier on August 11, 2005, Applicants attach herewith a copy of the Power of Attorney previously submitted to the USPTO.

Applicants have amended the specification and renumbered claims 48-50. No new matter has been added. Applicants have also deleted claim 46.

Applicants have filed two Terminal Disclaimers to obviate the Examiner's two non-statutory double patenting rejections. Both Terminal Disclaimers are attached to this response.

35 U.S.C. § 112

Claims 47-50 have been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

In response to this rejection, Applicants have amended the specification to comply with 35 U.S.C. 112, first paragraph. Accordingly, Applicants request that the Examiner allow claims 47 to 50 to allowance.

35 U.S.C. § 101

Claim 46 has been rejected under 35 U.S.C. § 101 as claiming the same invention as that of claim 1 of prior U.S. Patent No. 6,656,377.

In response to this rejection, Applicants have deleted claim 46. Therefore, deleting claim 46 has obviated this rejection.

Non-Statutory Double Patenting***A. Claims 47-50 in view of U.S. Patent No. 6,656,377***

Claims 47-50 have been rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 6,656,377.

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Applicants obviate this basis for rejection by filing a Terminal Disclaimer.

B. Claims 46-50 in view of U.S. Patent No. 6,306,308

Claims 46-50 have been rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1-11 of U.S. Patent No. 6,306,308.

Applicants obviate this basis for rejection by filing a Terminal Disclaimer and deleting claim 46.

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CONCLUSION

Applicants respectfully assert that all pending claims in this application are in condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully Submitted,



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